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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,582

09/05/2006

Sergio Mansuino

3144-103

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09/17/2008

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

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SUITE 800

WASHINGTON, DC 20005

EXAMINER

MCLEARN, STEPHANIE D

ART UNIT

PAPER NUMBER

4157

NOTIFICATION DATE

DELIVERY MODE

09/17/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,582	<b>Applicant(s)</b> MANSUINO, SERGIO	
	<b>Examiner</b> STEPHANIE MCLAREN	<b>Art Unit</b> 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 12, 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 9, 11, 14 and 16-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/5/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 16 recites the limitation "said conveying structure" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

2. Claim 22 recites the limitation "said processing unit" in line 3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

3.

4. Claim 24 recites the limitation "said conveying structure" in line 3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 & 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bon Daniel (FR 2574253).

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With regards to claim 1, Bon Daniel discloses: A device for moulding foodstuff masses, characterized in that it comprises: - a mould provided with at least one socket defining a pouring cavity (4, see fig. 1); - at least one insert made of thermally conductive material associated, in a heat-exchange relationship, with said pouring cavity (1, see abstract); and - at least one thermal-conditioning unit, associated to said insert made of thermally conductive material (3, see abstract).

With regards to claim 2, Bon Daniel discloses: characterized in that said at least one insert made of thermally conductive material defines at least part of the surface of said pouring cavity (1, see fig. 1).

With regards to claim 3, Bon Daniel discloses: characterized in that said thermal-conditioning unit is a refrigerating unit (in one embodiment, see abstract).

With regards to claim 4, Bon Daniel discloses: characterized in that said thermal-conditioning unit is a Peltier cell (in one embodiment, see abstract).

With regards to claim 5, Bon Daniel discloses: characterized in that said thermal-conditioning unit is stably associated to said mould (see fig. 1).

With regards to claim 6, Bon Daniel discloses: characterized in that said thermal-conditioning unit is incorporated in said mould (see fig. 1).

With regards to claim 7, Bon Daniel discloses: characterized in that said mould has a body made of thermally insulating material (according to cross hatching, see fig. 1, fig. 2).

With regards to claim 13, Bon Daniel discloses: characterized in that said mould has contact elements which emerge on the outer surface of the mould itself for the electrical supply of said at least one thermal-conditioning unit (electrical supply, see fig. 1, fig. 2).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8,10,12 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bon Daniel in view of Waldstrom (US 6,092,388).

With regards to claim 8, Bon Daniel fails to disclose: characterized in that it comprises a plurality of sockets which define respective pouring cavities. Waldstrom teaches: characterized in that it comprises a plurality of sockets which define respective pouring cavities (see abstract).

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In mass production it can be desirable to have multiple identical copies of the same mold/device in order to speed production. Therefore, to change the device as shown in Bon Daniel from a small, self contained unit for use in the home to a commercially successful molding device, it would have been obvious to one having ordinary skill in the art to duplicate it to allow for multiple moldings at once, as shown in Waldstrom.

With regards to claim 10, Waldstrom teaches: characterized in that at least some of the sockets of said plurality have associated thereto an insert made of thermally conductive material common to a number of sockets (see fig. 2).

With regards to claim 12, Waldstrom teaches: characterized in that at least some sockets of said plurality have associated thereto a thermal- conditioning unit common to a number of sockets (see abstract).

With regards to claim 15, Waldstrom teaches: characterized in that it comprises a conveying structure for moving said mould along a path of movement (see abstract).

### ***Allowable Subject Matter***

9. Claims 9, 11, 14 & 16-24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE MCLAREN whose telephone number is (571)270-7127. The examiner can normally be reached on Monday - Friday 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marvin M. Lateef/  
Supervisory Patent Examiner, Art Unit 4157

/SDM/

8/28/08